

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 8th DAY OF FEBRUARY, 2010 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	John A. Muffo	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Angie Hill	-Financial & Management Services Director
	Marc Magruder	-Budget Manager
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

ABSENT: Doug Marrs - Supervisor

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

1. Project # 2009020

(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Adjustment and Appeals Board
2. Parks & Recreation Commission

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Doug Marrs
Mary W. Biggs		
James D. Politis		
Gary D. Creed		
William H. Brown		
Annette S. Perkins		

OUT OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Doug Marrs
James D. Politis		
Gary D. Creed		
William H. Brown		
John A. Muffo		
Annette S. Perkins		

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
James D. Politis
Gary D. Creed
William H. Brown
John A. Muffo
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

Doug Marrs

ABSENT DURING MEETING

Doug Marrs

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATIONS

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, updated the Board of Supervisors on road issues/concerns in Montgomery County. Mr. Clarke reported the majority of VDOT's time was spent on snow removal and flooding issues throughout the County. Mr. Clarke also reported on the following:

- I-81 Rest Areas: The new Governor has announced that the rest areas along Interstate 81 throughout the state will re-open. A select few are scheduled to re-open in February, with two of which are in Montgomery County. The others are slated to open in April 2010.
- Paving portion of Tyler Road to Childress Road (1 ½ miles) with federal funds.
- Stanley Road, Revenue Sharing project, has been advertised. The deadline for submission of bids is next month.

Supervisor Creed asked for any update on the bridge project on Willis Hollow Road. Mr. Clarke reported VDOT will be advertising the project next month.

Supervisor Biggs asked if VDOT will provide maintenance to the I-81 Rest Areas and where did the funding come from to re-open the rest areas. Mr. Clarke replied VDOT contracts out the maintenance of the rest areas to an outside contractor. The operation of the rest areas will be funded through VDOT's maintenance budget.

Supervisor Biggs asked how VDOT paid for snow removal. Mr. Clarke responded that snow removal expenses are also paid from the maintenance budget.

Supervisor Perkins asked if there was going to be any money left for summer mowing and paving in VDOT's maintenance budget. Mr. Clarke stated they will look at the budget after the winter season is over. This area has experienced a rough winter which has cut deep in the maintenance budget.

Supervisor Politis commended VDOT for an excellent job of removing snow and repairing roads after the flooding, especially on Brush Creek Road.

Leading Lights – Neighbors Helping Neighbors

Andy Morikawa made a presentation on the Leading Lights organization explaining that the events of April 16, 2007 made the members of the community acutely aware of the fragile nature of life, of how precious our loved ones are to us, and of the importance of volunteers in maintaining and protecting our society.

A committee was formed that included leaders from NRV schools, student organizations, churches, service organizations, universities, governments, and other non-profit organizations to develop the processes for identifying and recognizing those special people who have exhibited a passion for volunteerism. Leading Lights is the result of these efforts, and seeks to recognize volunteers from all sectors in the New River Valley who are making a community-changing impact and serving as a model to inspire others.

Five awards are given in three categories: community (three), youth (one), and collegiate (one). Nominees must be current residents of or currently enrolled in schools in the New River Valley. The award selection committee includes representation from across the New River Valley. Award winners will be selected based on the following criteria:

- Strong community involvement
- Demonstrated lifestyle of dedicated, continuous, long-term involvement to the community
- Proven leadership
- Creativity in initiating and implementing projects that lead to a better quality of life

The 2009 Leading Lights award winners were, Community: Karen Cronin, Elliston; Fran Rooker, Radford; Rador "Red" Vaden, Blacksburg; Collegiate: Stephanie Connelly, Blacksburg; and Youth: Ben Webster, Snowville.

Nominations are now being accepted for the Second Annual "Leading Lights: Neighbors Honoring Neighbors" recognition awards for volunteers in the community. The group will honor award-winners by donating \$1,000 to the non-profit of their choice.

The deadline for nominations to be received by the Leading Lights committee is February 19, 2010. The second annual Leading Lights banquet on April 8, 2010 will honor finalists. This major gala will be held at the German Club Manor adjacent to the Virginia Tech campus.

HOME Consortium of the New River Valley

Housing & Community Development Project Manager Elizabeth Vogel, and Jennifer Wilsie with the New River Valley Planning District Commission, provided an update on the HOME Consortium program in the New River Valley. The New River Valley HOME Consortium was formed in 2007 for the purpose of addressing regional affordable housing needs based on the priorities of each community.

Members of the New River Valley HOME Consortium include the City of Radford, Floyd County, Giles County (Towns of Glen Lyn, Narrows, Pearisburg, & Rich Creek), Montgomery County (Towns of Blacksburg & Christiansburg), and Pulaski County (Town of Pulaski).

The Town of Blacksburg serves as the Lead Entity to the HOME Consortium. The New River Valley Planning District Commission provides grant management assistance to the Lead Entity.

By joining together as a region, the NRV HOME Consortium is eligible to receive federal funds from the U.S. Department of Housing & Urban Development (HUD). Funds received to date area as follows:

2007	\$827,000
2008	\$845,000
2009	\$989,000

The funding received is rotated among the 4 counties and City of Radford on a five year rotation. This rotation allows member localities to plan housing goals. HOME funds are flexible to meet community needs, such as planning affordable housing for rental, single family, multi-family, down payment assistances, homeownership, or other housing related costs.

Projects to date include the following:

City of Radford - Project 1: Revitalizing its downtown with attractive affordable housing. A vacant downtown commercial building was converted into eight 1 and 2 bedroom apartment units on the second floor with affordable rent from \$450- \$550. The first floor will be for commercial space and renovation costs were not part of HOME funding.

The City of Radford is planning their second project for the 2012 HOME funding cycle that will again include converting the second floor of a vacant commercial building on Main Street into affordable housing.

Pulaski County - Project included a comprehensive improvement to the Dora Highway neighborhood in the Town of Pulaski, Baskerville neighborhood in Pulaski County and provide single family rehabilitation to two families. These projects have taken homes to be rehabilitated or substantially re-built existing homes and constructed 6 new homes. The Dora Highway project used \$467,000 in HOME funds and received \$1.4 million from the State's Community Development Block Grant. The Baskerville neighborhood project received \$440,000 in HOME funds and is applying for \$1 million in State Community Development Grant funds.

Montgomery County - Goal is to preserve long term affordability with new construction and acquisition of existing housing. Projects include the Cedar Hills homes in Blacksburg (\$517,000 HOME Funds), Old Farm Village in Christiansburg (\$335,000 HOME Funds), Wilson Avenue homes in Blacksburg (\$165,000 HOME Funds) and assistance with down payments for home ownership. The Cedar Hills project included 10 newly constructed homes. One home was built in partnership with the Marching Virginias, Town of Blacksburg, CHP to honor the memory of Ryan Clark, a victim of the VT shootings.

Giles County - Will receive HOME funds for the 2011 Funding Cycle. They are assessing options for comprehensive senior housing.

Floyd County – Assessing options for the 2012 Funding Cycle.

Ms. Vogel also reported the HOME Cooperation Agreement among all participating members is due to expire June 30, 2010. The agreement term is for a period of three years. The terms of the agreement will be automatically renewed for participation for another three year period. Each member locality will need to notify the Lead Entity, which is the Town of Blacksburg, in writing of its intention to renew the agreement.

Presentation of Montgomery County School Board Budget for FY 2010-2011

The Montgomery County School Board's Proposed Budget for FY 2010-2011 was presented to the Board of Supervisors. Wendell Jones, Montgomery County School Board Chair, provided opening remarks.

Mr. Jones outlined several items of importance for FY 2010-2011:

- Economy – impact on budget planning
- Reduction in State Revenue
- School Board Commitment
 - o All schools are to be accredited
 - o Retain highly qualified staff
 - o Absorb revenue cuts by doing least harm to instruction
- Continue to build positive communication and collaboration among both Boards

Mr. Jones thanked the Board for the opportunity to share the vision for the schools.

The Interim Superintendent Walt Shannon provided additional remarks and presented the School's Proposed Operating Budget for FY 2010-2011 to the Board of Supervisors.

Mr. Shannon stated the level of revenue cuts by the State moves Montgomery County back to the FY 2007-2008 level of funding. MCPS continues to excel in academics, athletics, fine arts, and other student competitions. Although revenue has been reduced, efforts will be made to protect classroom instruction and absorb budget reductions in other areas of school and district operations.

Due to the down turn in the economy and subsequent reduction in State revenue the MCPS budget represents a 5.7% decrease from the 2009-2010 approved budget as follows:

FY 2009-2010 Approved Budget	\$96,424,724
Total Reductions	(6,574,246)
Total Increases	<u>1,016,578</u>
Total FY 2010-2011 Budget	\$90,867,056

The General Assembly is expected to make changes to the Governor's proposed budget and is scheduled to adopt a State budget by the end of February 2010. Until the State budget is adopted, final reductions to the School revenue will not be known.

Mr. Shannon reported the MCPS budget does not include any increase for employee compensation due to the economic downturn and reduction in revenue. Also, due to the reduction in revenue, the proposed budget includes a decrease of 49.6 full-time positions.

The student enrollment is expected to remain relatively stable. The membership used for planning for the FY 2010-2011 budget is projected to be 9,585 students, which is 12 more than the current level of 9,573 students.

Other options discussed to help offset the reductions include reducing hours of building operations to include recreation use, increasing fees for use of buildings, reducing athletics/school activities, reducing all salaries by 1% (\$721,000), and a one day furlough (\$365,225).

Mr. Shannon thanked the Board for their support and opportunity to present the School's budget.

Supervisor Biggs expressed her appreciation to Mr. Jones and Mr. Shannon on an excellent job of presenting the School budget. The school spirit among all employees is helping each other and trying to find ways to keep jobs. Supervisor Biggs also commended the School's maintenance department for an outstanding job in repairing outdated equipment.

Supervisor Muffo also commended Mr. Jones and Mr. Shannon. He believes Montgomery County has a strong basic education in place and it is nice to know that the proposed budget keeps the instructional core intact.

PUBLIC ADDRESS

Bruce Oliver addressed the Board of Supervisors about the need for an Urban Forester for Montgomery County. Mr. Oliver believes there is a need for a Forester to take care of the trees in downtown Christiansburg and on the Square. He expressed concern with heavy equipment being parked on the Centennial Tree that was planted in the Square. An Urban Forester will provide the expertise needed to plant and maintain the appropriate trees to protect the environment.

There being no further speakers, the public address session was closed.

ADD TO THE AGENDA - ADDENDUM

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the Board of Supervisors hereby amends the agenda to add the following item to New Business:

- Resolution of Appreciation – James W. “Jimmy” Epperly

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Doug Marrs
William H. Brown		
Gary D. Creed		
John A. Muffo		
Mary W. Biggs		
Annette S. Perkins		

CONSENT AGENDA

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated February 8, 2010 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	Doug Marrs
Gary D. Creed		
John A. Muffo		
Mary W. Biggs		
James D. Politis		
Annette S. Perkins		

Approval of Minutes

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously, the minutes dated September 14, 2009 were approved.

Schedule Public Hearing

R-FY-10-111
A RESOLUTION SCHEDULING A PUBLIC HEARING
TO RECEIVE PUBLIC COMMENT ON THE PROPOSED VACATION AND
RELOCATION OF A PORTION OF THE TWENTY FOOT HUCKLEBERRY TRAIL
EASEMENT LOCATED ON THE NEW RIVER VALLEY MALL PROPERTY

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby schedules a public hearing for Monday, March 8, 2010 at 7:15 p.m. or soon thereafter in the Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia in order to hear comments from the public on the proposed vacation and relocation of a portion of the twenty-foot Huckleberry Trail Easement that is located on the New River Valley Mall Property. The proposed vacation and relocation of a portion of the Huckleberry Trail on the New River Valley Mall Property is shown more particularly on the plat entitled "PLAT OF SURVEY OF A NEW 20 FOOT AND VARIABLE WIDTH TRAIL EASEMENT OF THE "HUCKLEBERRY TRAIL" ACROSS A PORTION OF THE LANDS OF PR FINANCING LIMITED PARTNERSHIP BEING TAX PARCEL 435-(A)-41 TOWN OF CHRISTIANBURG RINER MAGISTERIAL DISTRICT MONTGOMERY COUNTY, VIRGINIA".

Appropriations and Transfers

A-FY-10-68
SHERIFF
FORFEITED ASSET SHARING PROGRAM

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010 for the function and in the amount as follows:

321	Sheriff's Department	\$2,322
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419104 Confiscations	\$2,322

Said resolution appropriates monies received from the Department of Criminal Justice Services Asset Forfeitures.

A-FY-10-69
COMMONWEALTH'S ATTORNEY
FORFEITED ASSET SHARING PROGRAM

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

200 Commonwealth's Attorney \$783

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419104	Confiscations	\$783

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-10-70
RSVP
DONATIONS AND FUNDRAISING
APPROPRIATION**

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

520 Human Services \$6,514

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
25202-416158	Donations RSVP	\$6,514

Said resolution appropriates donations and fundraising monies for use by RSVP.

**A-FY-10-71
NEW RIVER VALLEY COMMUNITY SERVICES
PLANNING GRANT**

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

911 Outside Agency Grants \$50,000

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
434401	Federal Grants	\$50,000

Said resolution appropriates grant monies awarded by the Department of Justice, Bureau of Justice Assistance for a planning grant to the New River Community Services to develop a plan to look at alternatives for the treatment of mentally ill citizens that are in police custody to avoid jail confinement.

**A-FY-10-72
FIRE AND RESCUE
CHRISTIANSBURG RESCUE SQUAD (RINER STATION)
TRANSFER FROM GENERAL CONTINGENCIES**

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950 General Contingencies (\$2,390)

TO:

330 Christiansburg Rescue Squad (Riner Station) \$2,390

Said resolution transfers appropriated funds from General Contingencies to the Christiansburg Rescue Squad to cover the cost of a new transmission in a crash truck.

**A-FY-10-73
COUNTY CAPITAL PROJECTS
TRANSFER WITHIN FIRE AND RESCUE CAPITAL PROJECTS
FROM LONG SHOP MCCOY FIRE DEPARTMENT TO
CHRISTIANSBURG FIRE DEPARTMENT**

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation within the County Capital Projects Fund is hereby authorized, as follows:

FROM:

123301LM Long Shop McCoy Fire Capital Projects (\$50,000)

TO:

123301CB Christiansburg Fire Capital Projects \$50,000

Said resolution transfers appropriated CIP funds from Long Shop McCoy Fire Department to Christiansburg Fire Department to replace a Suburban.

VACo Steering Committees Participation

**R-FY-10-112
SUPERVISOR MARY BIGGS
VACO EDUCATION STEERING COMMITTEE
FOR CALENDAR YEAR 2010**

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

WHEREAS, Supervisor Mary W. Biggs has been invited to serve on the Virginia Association of Counties' (VACo) Education Steering Committee, for calendar year 2010.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia endorses Supervisor Biggs' participation on the Virginia Association of Counties Education Steering Committee.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the County Administrator to reimburse Supervisor Biggs for expenses arising from attendance at committee meetings.

**R-FY-10-113
ANNETTE S. PERKINS
VACO EDUCATION STEERING COMMITTEE (CHAIR)
AND RESOLUTIONS COMMITTEE**

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

WHEREAS, Supervisor Annette S. Perkins has been invited to serve on the Virginia Association of Counties' (VACo) Education Steering Committee as Chair and on the Resolutions Committee for calendar year 2010.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia endorses Supervisor Perkins' participation on the Virginia Association of Counties' Education Committee as Chair and Resolutions Committee.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the County Administrator to reimburse Supervisor Perkins for expenses arising from attendance at committee meetings.

R-FY-10-114
DOUG MARRS
VACO TRANSPORTATION STEERING COMMITTEE

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

WHEREAS, Supervisor Doug Marrs has been invited to serve on the Virginia Association of Counties' (VACo) Transportation Steering Committee for calendar year 2010.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia endorses Supervisor Marrs' participation on the Virginia Association of Counties' Transportation Steering Committee.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the County Administrator to reimburse Supervisor Marrs for expenses arising from attendance at committee meetings.

Appointments

R-FY-10-115
EMERGENCY SERVICES DIRECTOR
APPOINT COUNTY ADMINISTRATOR

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **F. Craig Meadows** as **Director of Emergency Services** effective January 1, 2010 and expiring December 31, 2010.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

R-FY-10-116
APPOINTMENT
TRANSPORTATION SAFETY
COMMISSION-STATE POLICE REPRESENTATIVE

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **1st Sergeant Paul Watts** as the **Virginia State Police** representative to the **Transportation Safety Commission** effective February 13, 2010 and expiring February 12, 2013.

R-FY-10-117
APPOINTMENT
TRANSPORTATION SAFETY COMMISSION
VIRGINIA DEPARTMENT OF TRANSPORTATION REPRESENTATIVE

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **David Clarke** as the **Virginia Department of Transportation** representative to the **Transportation Safety Commission** effective February 13, 2010 and expiring February 12, 2013.

R-FY-10-118
APPOINTMENT
TRANSPORTATION SAFETY COMMISSION
DIVISION OF MOTOR VEHICLES REPRESENTATIVE

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Monty Mills** as the **Division of Motor Vehicles** representative to the **Transportation Safety Commission** effective February 13, 2010 and expiring February 12, 2013.

R-FY-10-119
APPOINTMENT
TRANSPORTATION SAFETY COMMISSION
MPO REPRESENTATIVE

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Dan Brugh** as the **Metropolitan Planning Organization's (MPO)** representative to the **Transportation Safety Commission** effective February 13, 2010 and expiring February 12, 2013.

OLD BUSINESS

R-FY-10-120
A RESOLUTION INITIATING THE AMENDMENTS TO THE CODE OF
MONTGOMERY COUNTY, VIRGINIA CHAPTER 10, ENTITLED ZONING,
SECTIONS 10-21, 10-28, 10-29 AND 10-61 RESPECTIVELY BY ALLOWING A
SCHOOL OF SPECIAL INSTRUCTION BY RIGHT IN THE GENERAL BUSINESS
(GB) AND COMMUNITY BUSINESS (CB) ZONING DISTRICTS AND BY SPECIAL
USE PERMIT IN THE AGRICULTURE (A-1) ZONING DISTRICT AND BY
CLARIFYING THAT THE LIST OF SKILLS AND ACTIVITIES PROVIDED IN THE
DEFINITION OF SCHOOL OF SPECIAL INSTRUCTION IS NOT ALL INCLUSIVE

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

WHEREAS, The Montgomery County Zoning Ordinance currently defines a School of Special Instruction but does not allow this defined use either by right or by special use permit in any of the zoning districts; and

WHEREAS, The Board of Supervisors requested the Planning Commission to study what zoning district, if any, should allow either by right or by special use permit a School of Special Instruction; and

WHEREAS, The Planning Commission has recommended to the Board of Supervisors that the definition of School of Special Instruction be amended to clarify that the list of skills and activities listed in the definition is not all inclusive and that the School of Special Instruction should be allowed by right in the General and Community Business zoning districts and by special use permit in the Agricultural zoning district; and

WHEREAS, The Board of Supervisors has received the recommendation by the Planning Commission and finds that such a proposed change to the Zoning Ordinance promotes the public necessity, convenience, general welfare and good zoning practices; and

WHEREAS, The Board of Supervisors by this Resolution initiates the proposed change to Sections 10-21, 10-28, 10-29 and 10-61 of the County Zoning Ordinance as described above and asks that the County staff process and advertise the proposed changes as required by law.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby initiates the proposed changes to Sections 10-21, 10-28, 10-29 and 10-61 of the Montgomery County Zoning Ordinance by amending the definition of School of Special Instruction in Section 10-61 by clarifying that the list of skills and activities provided in the definition is not all inclusive and by allowing a School of Special Instruction as defined under Section 10-61 as a by right use in the General and Community Business zoning districts and by special use permit in the Agricultural zoning district.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board hereby finds that the proposed changes to 10-21, 10-28, 10-29 and 10-61 of the County Zoning Ordinance meets the public necessity, convenience, general welfare and good zoning practice and hereby authorizes the County staff to process and advertise the proposed changes as required by law.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Doug Marrs
John A. Muffo		
Mary W. Biggs		
James D. Politis		
William H. Brown		
Annette S. Perkins		

NEW BUSINESS

R-FY-10-121 A RESOLUTION APPROVING THE FUNDING REQUEST BY THE VIRGINIA OUTDOORS FOUNDATION (VOF) AND THE NEW RIVER LAND TRUST (NRLT) OF \$78,000 FROM THE MONTGOMERY COUNTY ACQUISITION FUND FOR CONSERVATION EASEMENTS

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors has created the Montgomery County Acquisition Fund for Conservation Easements funded by roll back taxes collected by the County that are in excess of the fiscal year budget estimate with a current balance of \$108,558; and

WHEREAS, The Virginia Outdoor Foundation (VOF) and the New River Land Trust (NRLT) have made a request for the County to provide \$78,000 from the County's Acquisition Fund for Conservation Easements to be used for leverage in applying for a \$156,000 grant from the USDA Federal Farm and Ranchland Protection Program in order to make a purchase of a conservation easement on approximately 245 acre farm located along Catawba Road in the Catawba Valley in Montgomery County; and

WHEREAS, The 245 acre farm owned by Kathleen Grubb, is the oldest farm homestead in the Catawba Valley and has the oldest homestead dating back to 1781; and

WHEREAS, This 245 acre farm meets the criteria to be eligible for funding through the County Acquisition Fund for Conservation Easements in that the property has no delinquent real estate taxes and the property is designated Rural or Resource Stewardship in the Montgomery County 2025 Comprehensive Plan; and

WHEREAS, Conservation easements benefit all County residents by preserving the scenic landscape, the character of our rural communities and reducing the costs of providing governmental services to rural areas.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the \$78,000 funding request from VOF and NRLT from the County Acquisition Fund for Conservation Easements to assist in the purchase of a conservation easement on the Kathleen Grubb farm property, (Parcel ID#s 007623, 007624 and 007625) consisting of approximately 245 acres located on both sides of Catawba Road in the Catawba Valley area of Montgomery County conditioned upon VOF and NRLT obtaining the required additional funding for the purchase of the conservation easement through the Farm and Ranch Land Protection Grant Program and other available sources and approval from the property owner Ms. Grubb to place the conservation easement on the property.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Doug Marrs
Mary W. Biggs		
James D. Politis		
William H. Brown		
Gary D. Creed		
Annette S. Perkins		

R-FY-10-122
RESOLUTION OF APPRECIATION
JAMES W. “JIMMY” EPPERLY

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

WHEREAS, James W. “Jimmy” Epperly has served on the Christiansburg Volunteer Fire Department for 45 years and was voted Chief of the department in 1972 by his peers; and

WHEREAS, Chief Epperly was appointed Fire Chief/Fire Marshall for the Town of Christiansburg in 1988 as the Town’s first paid fire chief; and

WHEREAS, Through ***Chief Epperly’s*** leadership the department is a strong and vital part of the Emergency Services Community and is a leader in the ranks of volunteer departments; and

WHEREAS, Chief Epperly is an honorary member of the Christiansburg Rescue Squad, Past President and Life Member of the Southwest Virginia Firefighter’s Association, Past President of the Virginia State Fire Chief’s Association, and was awarded Life Membership in the National Fire Protection Association in 2006; and

WHEREAS, Chief Epperly has been a member of the Montgomery County Fire and Rescue Commission since its creation in 2004, and currently serves as its Chairman; and

WHEREAS, Chief Epperly’s years of service have been marked by exemplary dedication to the best interests of the Town of Christiansburg and Montgomery County, and has earned the admiration and high regard of the citizens and of his fellow public servants.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, hereby extends a unanimous vote of appreciation and gratitude to ***Chief Jimmy Epperly*** for his accomplishments and outstanding public service and dedication, with best wishes on his retirement and wish him happiness and health, and send forth a heartfelt “Job Well Done”.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***Chief Jimmy Epperly*** as a testimonial of the high esteem and appreciation in which he is regarded by the Board of Supervisors and that a copy be a part of the official minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Doug Marrs
James D. Politis		
William H. Brown		
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

RECESS

The Board of Supervisors took a 10 minutes recess at 8:50 p.m. and reconvened at 9:00 p.m.

INTO WORK SESSION

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Budget Development – FY 2010-2011

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Doug Marrs
James D. Politis		
William H. Brown		
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

Budget Development – FY 2010-2011

Carol Edmonds, Assistant County Administrator, updated the Board on the state budget reductions to localities. The County is still looking at an estimated \$4.2 million shortfall in FY 2010-2011 and the state budget outlook still does not seem promising.

Craig Meadows, County Administrator, reported staff has been looking at options to increase revenue. One area that was looked at was the method used to value motor vehicles for taxation. He stated the County has to find ways to raise additional revenue or reduce services.

Budget Manager Marc Magruder provided information on the method of motor vehicle valuation and assessment. Localities in Virginia use several different methods to value motor vehicles for taxation purposes. These methods include National Automotive Dealers Association (NADA) values:

- Retail Value (highest possible value)
- Trade Value
- Loan Value (lowest possible value)

Montgomery County currently uses the loan value. Of the 95 Counties in Virginia, 40% use methods other than the loan value and 60% use loan value.

From 2008-2009, Montgomery County's personal property book value dropped \$33 million, which reduced personal property tax revenue by \$800,000. A change in the valuation method from loan value to trade value could reduce this shortfall.

The Commissioner of the Revenue may choose among the three valuation methods as long as the same method is applied to all taxpayers for the entire tax year. The Commissioner has the authority to administratively change the valuation method and asked for the Board of Supervisors' input before making this change. If the Board supports the change in the method of valuation, the change could go into effect for the December 5 billing.

Mr. Magruder provided examples of the impact to citizen personal property tax bill as shown below:

2009 Honda Accord	Rate	Taxable	Rate of Relief	Total Bill
Loan Value \$15,075	\$2.45	\$369	65.16%/\$241	\$129
Trade Value \$16,725	\$2.45	\$410	58.63%/\$240	\$170
Retail Value \$19,850	\$2.45	\$486	45.33%/\$220	\$266

Under the current method of Loan Value, the citizen would pay \$129.00. Under the proposed method of Trade Value, the citizen would pay \$170.00, a \$41 dollar increase.

Another example used was a 2003 Chevy Cavalier, currently the owner would pay \$23.00 in tax, under the proposed method, the tax bill would be \$30.00, a \$7 increase.

The average tax bill would increase; however, each year vehicles depreciate in value, which means less tax would be paid in subsequent years. Also, personal vehicles that are over 20 years old are not taxed. Personal vehicles valued at \$1,000 or less are not taxed and vehicles that have high mileage (80,000 miles or more) are provided additional reductions depending on the mileage and class of the vehicle.

Mr. Magruder reported example of tax bill comparisons were also made to four surrounding jurisdictions. If the County changed its valuation method, Montgomery County residents would still pay less on their average tax bill than if they lived in three of the four surrounding jurisdictions.

In conclusion, if Montgomery changed the method of valuation, the County would receive additional revenue from a source other than real estate. The tax burden would be spread to more people, more people own vehicles than own real estate. Unlike real estate, each year motor vehicles depreciate in value, meaning less tax would be paid in subsequent years.

The County Administrator at this time stated staff is looking for guidance from the Board on changing the method of valuation as they continue to work on the FY 2010-2011 budget. As stated previously, the Commissioner of the Revenue has the authority to administratively change the valuation method and is seeking input from the Board of Supervisors.

The Board voiced support for the change stating it would help spread the tax burden to more people other than property owners. The County is limited on how to raise revenue other than real estate tax.

OUT OF WORK SESSION

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Doug Marrs
William H. Brown		
Gary D. Creed		
John A. Muffo		
Mary W. Biggs		
Annette S. Perkins		

COUNTY ADMINISTRATOR'S REPORT

Inclement Weather: County offices closed at 12:00 Noon on Friday, February 5, 2010 due to inclement weather.

Public Information:

- Comcast Cable has introduced a new cable channel, Channel 190, that is designated for Montgomery County government announcements. The Board of Supervisors meetings will be rebroadcast on this channel.

The County Attorney also commented that this channel is owned by Comcast not Montgomery County. The channel is to be used for governmental use only, such as the Board of Supervisors, School Board, Planning Commission, no citizen blogs, etc., will be allowed.

- New County Web Site had 14,000 hits with 21,000 visitors since launching.

Regional E-911 Authority: Delegate Dave Nutter has reported that legislation for the creation of a New River Valley Regional E-911 Authority has been reviewed favorably and will be up for committee vote soon.

BOARD MEMBERS' REPORTS

Supervisor Muffo asked for more information regarding the elimination of state funding in the Commissioner of the Revenue and Treasurer's offices.

The Assistant County Administrator reported that at this time the Governor's budget includes the elimination of 100% of salaries for staff support in the Commissioner and Treasurer's office except for the Commissioner and Treasurer's salary.

Supervisor Muffo requested staff to look into what the County is constitutionally obligated to provide to the Constitutional Officers, especially the Commissioner of the Revenue and Treasurer. Does the County have to provide funding to staff these offices?

The County Attorney replied that the County has to provide office space but not staff. He will review the state code.

Supervisor Brown requested staff to survey other localities to see how they are addressing the elimination of funding for the support staff in the Commissioner of the Revenue and Treasurer's offices.

Supervisor Brown complimented the new Channel 190 on Comcast Cable. The clarity of the meetings rebroadcast is excellent compared to the old Channel 2.

Parks & Recreation Commission – Supervisor Brown reported at the last P&R Commission meeting, they discussed the issues/problems at the Plum Creek Park. The Plum Creek Park is constantly being vandalized and the Parks and Recreation Department has spent numerous hours and money on cleanup. The P&R Commission believes that it may be in the best interest of the County to surplus the property. Supervisor Brown requested staff to look into the procedures to surplus the Plum Creek Park property. He believes it has become a liability due to vandalism of the property.

Supervisor Biggs reported a reception for the new School Superintendent is scheduled for March 9, 2010.

State Budget Reductions to Constitutional Officers – Supervisor Biggs asked if the Commissioner of the Revenue and Treasurer's offices are the only constitutional offices that were affected by the state budget reductions. The Assistant County Administrator reported that there are significant reductions to the Sheriff, Clerk of Circuit Court and the Commonwealth's Attorney as well. The proposed reductions do not eliminate funding for support staff in these offices.

Supervisor Perkins participated in VACo’s Resolution Committee conference call where they discussed VACo’s legislative priorities. Several more meetings and conference calls are scheduled throughout the year. Regional meetings will be scheduled in the spring with the focus to bring supervisors together and get them involved in the legislative process.

ADJOURNMENT

On a motion by William H. Brown, seconded by Gary D. creed and carried unanimously, the Board adjourned to Monday, February 23, 2010.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	Doug Marrs
Gary D. Creed		
John A. Muffo		
Mary W. Biggs		
James D. Politis		
Annette S. Perkins		

The meeting adjourned at 9:50 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins	F. Craig Meadows
Chair, Board of Supervisors	County Administrator